

SECTION 6 - FINAL RATING.

1. The appointing authority will assign a final written rating based upon the complete appraisal record; the recommendation of the PRB and any guides of the Departmental ERRC which relate the performance appraisal to other personnel actions. These include compensation, retention in the SES, recognition and awards, executive development, mobility assignments, or disciplinary actions. This rating shall serve as the required annual written rating of record.
2. Although the performance appraisal may influence, necessitate, or be the basis for a personnel action, the assignment of a final rating will not automatically effect such an action.
3. The executive may not appeal any appraisal and rating under this Letter with the exception of allegations of prohibited personnel practices such as discrimination, political motivation, or retaliation, taken in conjunction with performance evaluation. Allegations of this nature are subject to investigation by the Special Counsel of the Merit Systems Protection Board.

SECTION 7 - PERFORMANCE BELOW FULLY SUCCESSFUL.

1. Executives who receive performance ratings at a level below Fully Successful will be assisted in improving performance. Such assistance may include, but is not limited to, formal training, counseling, and closer contact with the rating official.
2. DPM Letter 920-19, titled "Pay Rate Determination in the Department of Transportation Senior Executive Service," dated August 3, 1988, sets forth the pay reduction policy that shall be required when an executive receives a performance rating at a level below Fully Successful.
3. Following receipt of a Minimally Satisfactory performance rating, an executive shall be given a period not-to-exceed 6 months to improve his/her performance to the Fully Successful level. A performance appraisal summary rating must be prepared following the performance improvement period.
4. For SES members who are subject to the requirements of 5 CFR Part 359, Subpart E, which relates to the removal of SES members holding career appointments, the following is required:

Rating of Record

Action

One Unsatisfactory.

Removal from position or SES.

Two Unsatisfactory ratings
within 5 consecutive
rating years.

Removal from SES.

Two ratings below Fully
Successful with 3 consecu-
tive rating years.

Removal from SES.

CHAPTER 4

GENERAL PROGRAM ADMINISTRATION

SECTION 1 - ROLE OF THE DEPARTMENTAL EXECUTIVE RESOURCES BOARD.

It will be the responsibility of the ERRC of the Departmental Executive Resources Board to monitor the implementation of this Letter and resolve any questions which may arise.

SECTION 2 - RECORDS OF EXECUTIVE PERFORMANCE.

Operating administrations and the Office of the Secretary must establish and implement procedures for the retention and disposition of performance appraisal records. SES performance-related records must be retained for 5 years. If an executive moves to a new agency at any time during the appraisal period, the employee's current rating of record and all appropriate documentation must be transferred to the gaining agency as required by 5 CFR, Section 293.405.

SECTION 3 - PROGRAM EVALUATION.

It is the Department's responsibility to evaluate the operation of the Executive Performance Appraisal System. Periodically, the Director, Office of Personnel, OST, will evaluate the system's effectiveness so that any appropriate adjustments and improvements can be initiated.

SECTION 4 - TRAINING AND INFORMATION.

1. The results of performance appraisals should be used as a basis for determining the training needs of the executive. Executive development and training are mechanisms for adding to the contribution that executives give to the organization.
2. All supervisors and senior executives will be informed and trained on the appraisal process within 60 days of the effective date of this letter. Information packages highlighting changes to the existing appraisal system will be distributed to all senior executives and to their supervisors. Briefings will be held as appropriate.

APPENDIX I - DEFINITIONS.

The following terms and their definitions apply to the Executive Performance Appraisal System:

Appointing Authority - the final rating authority, who will be the Secretary, the Deputy Secretary, Departmental Officers, Heads of operating administrations, or the Inspector General.

Appraisal - the act or process of reviewing and evaluating the performance of the executive against the described performance standard(s).

Appraisal period - the period of time established by an appraisal system for which the senior executive's performance will be reviewed. In DOT, the appraisal period is from October 1 - September 30.

Appraisal system - a performance appraisal system established under Subchapter II of Chapter 43 of Title 5, U.S.C. It provides for identification of critical and noncritical elements, establishment of performance standards, communication of elements and standards to senior executives, establishment of methods and procedures to appraise performance against established standards, and appropriate use of appraisal information in making personnel decisions.

Critical job element - a component of a position consisting of one or more duties and responsibilities which contributes toward accomplishing organizational goals and objectives. It is of such importance that unsatisfactory performance of the element would result in unsatisfactory performance in the position.

Final rating - the rating of record assigned by an appointing authority after considering the recommendations of a PRB.

Initial rating - the summary rating made by the senior executive's supervising official and provided to the PRB.

Noncritical job element - a component of an executive's position which does not meet the definition of a critical element, but is of sufficient importance to warrant written appraisal. Noncritical elements are optional.

Performance - the senior executive's accomplishment of assigned work as specified in the critical and noncritical elements of the executive's position.

Performance appraisal - (see Appraisal).

Performance Appraisal System - (see Appraisal system).

Performance plan - the aggregation of all of the senior executive's written critical and noncritical elements and performance standard(s).

Performance requirement - performance standard.

Performance standard - a statement of the expectations or requirements established by management for a critical or noncritical element at a particular rating level.

Progress review - a review of the executive's progress toward achieving the performance standards (not in itself a rating).

Rating Official - senior executive's first-level supervisor.

Rating of record - the final rating.

Reviewing Official - next higher level of management above the executive's supervisor.

Summary rating - the written record of the appraisal of each critical and noncritical element and the assignment of a summary rating level.